

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-23, and 31-44 are pending in this application. Claims 1, 4-23 and 31-39 are amended. Claims 40-44 are newly added. Claims 24-30 are cancelled. Claims 1, 15, 23, 31, and 41 are independent.

Applicants acknowledge with appreciation the Examiner's indication that certified copies of the priority documents have been received by the United States Patent and Trademark Office (USPTO).

Drawings

Applicants respectfully request the Examiner acknowledge that the drawings have been accepted by the USPTO or identify any deficiencies believed to be present in the drawings so the Applicants have an adequate opportunity to traverse and/or address any identified deficiencies.

Specification

The specification is amended to correct a typographical error included in paragraph [00113] of the specification.

Claim Objections

Claim 4 is objected to because of a minor informality. As suggested by the Examiner, claim 4 is amended to recite “an area” instead of “a area”. Therefore, Applicants respectfully request that the objection to claim 4 be withdrawn.

Claim Rejection under 35 U.S.C. § 102

Claims 1-3, 5-6, 8-12, 15-17, 19-20, 23-25, 27-28, 31-33, 35-36, and 39 stand rejected under 35 U.S.C. §102(a) as anticipated by Kuroda et al. (US Patent Number 6,735,155, herein Kuroda). Initially, Applicants note that this rejection is improper because the present application has a filing date of January 9, 2004 and Kuroda has an effective §102(a) date of May 11, 2004. However, Applicants respectfully traverse this art grounds as if it were cited under 35 U.S.C. §102(e) and request reconsideration and allowance of the claims in view of the following remarks.

The Examiner asserts that FIG. 7 of Kuroda discloses a recording medium “comprising: a data area including at least two data sections (“new data” and “old data” areas); and a linking area including dummy data (shown in element 44 and “dummy information” as described in abstract). As shown in FIG. 7 of Kuroda, when a new data section is added to the recording medium of Kuroda, the head position of the old dummy data is detected and the new recording begins at the second sync frame 42 located at the end of the original recording. The second sync frame 42 is overwritten by the new record information and becomes in fact broken due to the overwriting of data. FIG. 7 illustrates the broken data as D. Subsequent to the broken data area is written the remainder of the new recording unit, followed by successive recording units.

Thus, the linking area between old and new record information of Kuroda according to Fig. 7 includes a head position of old dummy information previously recorded, one frame sync containing dummy information, and a broken data area. The dummy information is recorded so as not to disturb the operation of the error-correcting code (ECC), but otherwise contains no useable information. In fact, since the recording area of the old and new dummy information becomes broken due to overwriting, not only is there no useable information in the dummy information of frame sync number two, it cannot even be read, which may be inconsequential for Kuroda since Kuroda is not concerned with the contents of the linking area so long as the operation of the ECC is not disrupted.

Amended independent claim 1 recites “the linking area including at least two sync signals and dummy data.” While the linking area of Kuroda may contain two sync frames, this is not equivalent to the at least two frame sync signals of claim 1. In general, while frames may act as containers for information, signals are information themselves and may be interpreted as instructions or messages. Further, once new data is written in the second data section, the second of the two sync frames including the broken data D is unreadable. Thus, at least this second of the two sync frames can no longer be considered as including anything, but broken data.

In light of the above, Applicants respectfully submit that Kuroda fails to disclose, teach or suggest all of the features of independent claim 1. Thus, independent claim 1 is allowable over Kuroda. Furthermore, because independent claims 15, 23 and 31 include features similar to independent claim 1, these claims are allowable over Kuroda for at least the same reasons as independent claim 1. With regards to the claims depending from independent claims 1, 15, 23 and 31, these claims are allowable at least because of their dependence on an allowable base

claim. Therefore, Applicants respectfully request that the rejections of claims 2-3, 5-6, 8-12, 15-17, 19-20, 23-25, 27-28, 31-33, 35-36, and 39 under 35 U.S.C. § 102(a) be withdrawn.

Claim Rejection under 35 U.S.C. § 103

Claims 4, 7, 13, 18, 21, 26, 29, 34, and 37 stand rejected under 35 U.S.C. §103(a) as obvious over Kuroda in view of Ueda et al. (US Patent Publication 2001/0026511, herein Ueda). Applicants respectfully submit that Ueda fails to cure the deficiencies of Kuroda described above with respect to the independent claims. Thus, Applicants respectfully traverse the rejections and submit that the listed dependent claims are patentable over Kuroda in view of Ueda et al. at least because their dependence on an allowable base claim, the basis for such allowance being previously set forth above.

New Claims

Applicants respectfully submit that no new matter is added by new claims 40-44. Claim 41 is independent and includes features similar to independent claim 1. Thus claim 41 is believed to be allowable for at least the same reasons as independent claim 1. Claims 41 and 42-44 are dependent and thus, are believed to be allowable for at least the same reasons as the base claim from which these claims depend.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a three (3) month extension of time for filing a reply to the outstanding Office Action and submit the required \$1020 extension fee herewith.

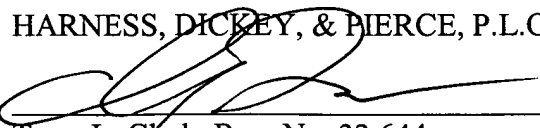
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott A. Elchert at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


Terry L. Clark, Reg. No. 32,644

Scott A. Elchert, Reg. No. 55,149


TLC/SAE/ame

P.O. Box 8910
Reston, VA 20195
(703) 668-8000